



Model Engineering Association of New Zealand Incorporated.

President -
Colin Burleigh, REA
Tech Member IPENZ
<burleigh@paradise.net.nz>
(04)297-2213

Secretary -
Peter Anderson, BE
<pjand@clear.net.nz>
(04)232-4533
Website www.meanz.org/

Secretary, 10 Spicer Place, Tawa, Wellington 5028.

MEANZ Update September 2008

Copy for Secretary (with attachments).

Copy for MEANZ Rep

Meeting with WPS

Following a meeting with Richard Steel and Maurice Flood on 16 June we have been trying to agree on a Memorandum of Understanding or a Heads of Agreement document. As we felt WPS were putting the cart before the horse we have not even got that far. On Thursday 28 August Andrew Kear called a meeting that was held at the Kapiti MR Clubrooms. His message was clear. WPS require clubs to become compliant to the Regulations before substantive talks can be carried on regarding self regulation. His statement was that 'the law is the law'. Their job is to administer it as it stands at the present time. This logic is not understood by us as our contention is that so much compromise is necessary for miniature railways to fit the Regulations that we need an alternative arrangement, hence the need to negotiate.

Another statement that has been made more than once is that WPS are not concerned with our operations while only members are involved. It is when members of the 'public' are riding (even free) that they insist on the need for registration under the ADRs.

Our Position – MEANZ

We are trying to get self management in the safety field for three main reasons and it is considered that we should, where we can, go along with their demand to in the end achieve a reasonable but safe environment for the running of our trains.

1. As a hobby group we do not need the huge compliance costs caused by the stipulation that a Professional Chartered Mechanical Engineer has to carry out the inspection, especially when we have the required expertise, experience, and integrity among our own members.
2. Even a small railway has many facets that are not part of the safety aspects of the ADR that need some coverage and these are catered for in our Safety Audit System.
3. It is not possible to fit our operations into the existing clauses of the Regulations as stated above.

To Assist Your Understanding

This Update is intended to warn you of the unfortunate stand being taken by DoL and to start you off on the Registration learning curve.

Quite a number of clubs will be aware of the process of Registration and will be able to start it off again with comparative ease. Other clubs will be helped by some guidance on procedure and it is our intention to elaborate on this later. It is anticipated that WPS will be supplying a statement on 'the need to register' to each club, and it is after receipt of this that you will need to act.

A copy of the Amusement Devices Regulations 1978, and the main relevant section of the Machinery Act 1950, are included with this MEANZ Update for you to work with. These are not available on the DoL website (www.dol.govt.nz) though the Forms specified at the back of the ADRs are available as .pdf files, as are the Guidelines mentioned below in this Update.

The 'Chartered Engineer' you employ is duty bound for three clauses and can add further clauses considered to be necessary. It is some of these accumulative clauses that have been a problem in the past. Colin Burleigh is preparing a chart of the various bits of legislation, and clauses likely to be added to individual registration documents. Particular problem clauses will be discussed with Richard Steel of WPS and the results will be made available at a later date.

List of Chartered Mechanical Engineers.

Maurice Flood is very sensitive over the ADR 1978 (2) which defines the engineer (to be used for inspection) as a 'chartered professional engineer with a qualification in mechanical engineering'. This is a much more restrictive requirement since the amendment of the Regulations in Dec 2003 and not necessarily logical for a railway where the civil engineer traditionally dealt with tracks and structures. Never the less, the 'Law is the Law'. Engineers can be searched for on the IPENZ website but the discipline is not stated. To make things more reasonable the Registrar has supplied a listing that may prove to be useful for you. Please note that not all will be willing to do ADR inspections whereas some specialise in the area, but an engineer you know is worth two in the bush.

We feel that they are being employed by you and not by Maurice Flood. Their inspection and safety stipulations could in fact be encapsulated for some clubs by the requirement to operate in accordance with the 'Club Safety Rules' specified by their correct title. Clauses that the engineer might be asked to endorse by DoL should be adjusted in wording by the engineer to fit your operation.

There is a '**Guide to AD Owners and Operators**' available from DoL but this is not the Law, only a guide and as an archive is qualified on their website as follows -

"Over the years, the Department of Labour has issued health and safety publications on numerous subjects. Many of these were never updated to take account of changes in legislation, standards, technology or industry practice, and are no longer available in printed form. However, some of the information in these publications is still relevant and not available elsewhere."

MEANZ Audits

We have stated that we wish to continue to implement our audits in order to create a sensible Culture of Safety and WPS have endorsed this. With an established alternative we still hope to achieve the self management that we have been working toward, and to align more closely with the situation in Australia, England and the USA.

Despite the need to Register we appeal to clubs to arrange for an audit through the Secretary or one of the Lead Auditors. A proven and working Audit scheme is critical to the Department's favourable assessment of our capability of managing and monitoring our safety.

Those clubs yet to be audited are :- Whangarei, Auckland, Hamilton, Tauranga, Rotorua, Whakatane, Hawkes Bay, Maidstone, Hutt Valley, Picton, Blenheim, Nelson, Christchurch LS, Ashburton, Southland. Of these, two have audits planned in the near future.

Lead Auditors - NI **Dave Giles** (Manukau), ikon@xtra.co.nz
Gavin McCabe (Hutt Valley), gjmcc@paradise.net.nz , 04-567-4487
& SI **John Caldwell** (Nelson), jdc@iconz.co.nz , 03-548-6216
Rob Wilson (Canterbury), robiref@hotmail.com , 03-960-4305

For a listing of Auditors that may be able to help you see the May Update.

Amendments are required for **Alan Malaquin** who has moved North to Nelson but maintains his Canterbury affiliation meantime and contact details are not available, and **Donald Ross** who has an amended e-mail address ---

Donald Ross (Now of Dunedin - Wk <dross@tollnz.co.nz>). rossclan1@xtra.co.nz

Peter Anderson,

Sec/Treas.

MEANZ

9 September 2008

DoL - Department of Labour

ADR - Amusement Device Regulations

WPS - Workplace Safety (a title that is taking over OSH = Occupational Safety and Health)